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| APPLICATION NO.    | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------|-------------|----------------------|---------------------|------------------|
| 10/750,189         | 12/30/2003  | Bran Ferren          | APPL0031            | 9149             |
| EXAMINER           |             |                      |                     |                  |
| BROADHEAD, BRIAN J |             |                      |                     |                  |
| ART UNIT           |             |                      | PAPER NUMBER        |                  |
| 3661               |             |                      |                     |                  |

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/750,189

Examiner

Brian J. Broadhead

Applicant(s)

FERREN ET AL

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- 4) ☐ Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of fixation sites with standard interconnection means, the service trough, the dedicated path about said platform, the plurality of custom interfaces, means for recognizing a module's personality and location, and a plurality of specialized operator stations must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: All of the reference numbers are missing in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: On line 8-10, on page 8, there is a repeated sentence.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 6 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

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described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. How the invention recognizes a module's location is not enabled. The only mention of the location in the specification is on lines 8-10, on page 4. This section only states that the location would be known by some pre-loaded personality, but if modules can be placed in various positions on the platform it is unclear how a pre-loaded personality would know the module's location.

6. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim has the limitation of "determining a unique identification associated with each of said special purpose modules to any of update said module, unlock functions in installed but inactivated module feature sets, and accept new modules" but fails to disclose how this is accomplished. Is the identification determined by the central control system or by the module and how does this unlock the module? How is the identification used to update the module or accept new modules?

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1 through 8, and 10 through 13 are rejected under 35 U.S.C. 102(e) as

being anticipated by Kempen et al., 6421593.

9. As per claims 1, 2, 11, Kempen et al. disclose a standardized vehicle platform(1417); a plurality of fixation sites along said platform(1681, 1682), said fixation sites comprising standardized interconnection means for any of mechanical, electrical, and fluid interconnection with any one or more of a plurality of specialized functional modules that are readily attached to said standardized platform via said interconnection means, said fixation sites being located along said vehicle platform at standardized intervals to accept one or more of said modules on lines 2-15, on column 29; and a computer implemented control and communications protocol communicatively provided throughout said platform for recognizing any of a module's presence, identity, capability, and function, and for configuring said vehicle accordingly on lines 15-38, on column 29; and a service trough extending along said vehicle from a first vehicle location to at least a second vehicle location, said service trough providing a communications pathway for any of mechanical, electrical, communications, and fluid sources is inherent. There must be path somewhere in the vehicle that connects two locations with power and communication wires.

10. As per claims 3, 4, and 5, Kempen et al. disclose a dedicated path about said platform for effecting individual module control(1460); a computer implemented vehicle operating system for controlling said modules(1511); a plurality of custom

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interfaces(31,32,33) for any of contact closures, lighting, power, control, and interface to computers on board one or more of said modules.

11. As per claim 6, Kempen et al. disclose means for recognizing a module's

personality and location on lines 15-38, on column 29.

12. As per claims 7, 8, and 10, Kempen et al. disclose a plurality of specialized

operator stations(82, 1282) each having dynamically assigned thereto one or more

specialized module related functions; means for controlling vehicle operation and

configuration, both in accordance with a current vehicle module complement and in

accordance with vehicle resources and performance specifications on lines 26-37, on

column 16; and means for acknowledging each module, and for performing a

background calculation for any of module weight, balance, and power consumption on

lines 14-38, on column 29.

13. As per claims 12 and 13, Kempen et al. disclose said central control system

within said platform determines a unique identification associated with each of said

special purpose modules to any of update said module, unlock functions in installed but

inactivated module feature sets, and accept new modules on lines 59-63, on column 29;

means for any of assessing any of module weight, power consumption, size, and

functionality, determining whether a complement of modules fit within design limits of

said platform; and dynamically configuring a user interface to express functionality of

each of said modules installed on said platform on lines 15-38, on column 29.

**Claim Rejections - 35 USC § 103**

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14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kempen et al., 6421593, in view of Glatzmeier et al., 5785372.

16. Kempen et al. disclose the limitations as set forth above. Kempen et al. do not disclose said fixation sites defining fractional locations along an overall platform extent, wherein said platform receives a plurality of said modules, wherein said modules have an extent that is equal to, or that is a fraction of, said platform extent, and wherein any number of modules having a total, combined extent that is less than or equal to the extent of said platform may be attached to said platform at any given time. Glatzmeier et al. teach said fixation sites defining fractional locations along an overall platform extent, wherein said platform receives a plurality of said modules, wherein said modules have an extent that is equal to, or that is a fraction of, said platform extent, and wherein any number of modules having a total, combined extent that is less than or equal to the extent of said platform may be attached to said platform at any given time in figure 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the smaller and plural modules of Glatzmeier et al. because such modification would provide rapid and free assembly of variously fitted equipment cabs...due to rapidly-changing conditions of use, as stated on lines 20-28, on column 1, of Glatzmeier et al.



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**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Broadhead whose telephone number is 571-272-6957. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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